

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TETSUI, et al.

Examiner: MORILLO, J.C.

Serial No.: 10/667,651      Group Art Unit: 1793

Filed: September 23, 2003      RCE Filed: July 14, 2007

For: TiAl Based Alloy, Production Process Therefor, and Rotor Blade  
Using Same

SECOND DECLARATION UNDER 37 CFR §1.132

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

Sir:

I, Kentaro SHINDO, hereby declare and state:

1. I am a citizen of Japan, residing at 2-24-24-503, Izumi-machi, Nagasaki, Japan.
2. I executed the Declaration Under 37 CFR § 1.132 filed April 11, 2008, in the above-identified application.
3. In the Declaration Under 37 CFR § 1.132 filed April 11, 2008, the composition of the test piece was Ti-42Al-8V (at%).
4. U.S. Patent No. 5,370,839 ("Masahashi") at column 5, lines 44-47, discloses that a molten alloy specimen was subjected to a homogenizing heat treatment at a temperature between 1273K (1000°C) and the solidus temperature for a period of 2 to 100 hours.
5. In the Declaration Under 37 CFR § 1.132 filed April 11, 2008, the homogenization heating was at 1250°C for 20 min. The heating temperature is within Masahashi's range of 1000°C to the solidus temperature. However, the heating time is outside

of Masahashi' s range of 2 to 100 hours.

6. Although the homogenization heating time of 20 minutes in the comparative experiment in the Declaration Under 37 CFR § 1.132 filed April 11, 2008, is not within Masahashi's range of homogenization heating time, the comparative experiment is still valid for demonstrating difference between Masahashi and the present invention, because the heating in the comparative experiment was sufficient to achieve homogenization.
7. I hereby declares that all statements made herein of my own knowledge to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
8. Futther declarant saith not.

Date: March, 17, 2009      Kentaro Shindo

Kentaro SHINDO